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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/639,611	08/12/2003	Steven Geller	5572/2	5395

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EXAMINER
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LEVINE, ADAM L

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/639,611	GELLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Adam Levine	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

Applicant filed a reply dated March 13, 2006, in response to the office action mailed September 8, 2005. In the response, applicant has amended claims 1-4, 6, 8 and 9. Applicant has also provided remarks in support of the amended claims. Claims 1-9 are currently pending. Claims 1-9 and the remarks in support thereof are herein addressed.

### ***Response to Amendment***

#### **Pertaining to amendments that respond to claim objections in the previous action**

Claim 6 has been amended in accord with examiner's suggestion in the previous office action. The objection to claim 6 is withdrawn.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

#### **Pertaining to arguments presented in response to rejection under 102(b) in the prior office action**

Applicant initially argues that language such as "the first street" and "the first real property" are not "non-functional descriptive matter." Applicant argues that this was so indicated by the examiner. For clarification, the examiner's statement was, "The exact nature of the information provided, not having any functional impact on the method, is

non-functional descriptive matter.” Described claim elements could be either functional or nonfunctional depending on their context within the claim. In any case the examiner understands that “the first street” and “the first real property,” as they appear in the amended claims, are claim elements that are associated with commands that result in additional displays of information. These elements are therefore functional. It is noted however, that there is not a functional distinction between “the first real property” and “the seller’s home,” for example, if both phrases are associated with the same commands that result in additional displays of information. Similarly, “the first street” would not be patentably distinct from “the neighborhood the home is in” if their functional role in the claimed method is the same. For that matter any phrase, even one not related to the same subject matter, would have the same function in the method if it were similarly associated with commands that link to additional displays of information. It is that concept that the examiner was noting in the original comment.

With regard to the argument that Raveis does not disclose “allowing navigation by a single user selection from the first display to any one of at least two additional screen displays,” Raveis discloses a website with web pages displayed on a computer screen. These webpages are linked together using hyperlinks that allow navigation between and among the webpages. (See at least p.1 para.0008). Raveis further describes these screen displays (webpages) providing information including buyers’ guides and sellers’ guides. The guides present additional webpages providing information and resources assisting “with every phase of the buying and selling process.” (See at least p.4 para.0040).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis (Paper #090105; Pub. No. US 2001/0005829) in view of First American (Item U, form PTO-892).**

Raveis teaches a system and method for facilitating real estate transactions using a computer system comprising at least one database, and allowing navigation between at least one display and two additional displays for displaying information about real estate transactions (see at least Abstract, page 10 para.0102-0105). Raveis further discloses:

- providing a first informational computer screen display for displaying information obtained from at least one database: (see at least Figs. 1,3-6; page 1 para.0008, page 2 para.0013, page 4 para.0070, page 8 para.0092, page 9 para.0098) about one or more real properties; a first display being partitioned into a plurality of portions, each portion displaying information about at least a first property (see at least Figs. 3-6, page 1 para.0008, page 9 para.0098-0100, page 10 para.0102-0105).

- allowing navigation by a single user selection from the first display to any one of at least two additional computer screen displays: obtaining from at least one database additional information about a first real property located on a first street, to display information about realty deals facilitated by the computer system and a second additional display comprising information about realty deals facilitated by the computer system, allowing navigation from any of the displays to any other of the displays for providing additional information about at least a first one of the one or more real properties (see at least page 1 para.0008, page 8 para.0091, page 10 para.0102-0105. Please note: The exact nature of the information provided, not having any functional impact on the method, is non-functional descriptive matter. Even if the information in the present application's claims differed from Raveis it would therefore not patentably distinguish the claims. In this case, however, the descriptive material in the present application is essentially the same as in Raveis).
- at least one computer: (see at least Abstract, Fig.1, page 1 para.0007, page 3 para.0035-0037, page 4 para.0040).
- at least one database accessible by the at least one computer: the first computer comprises the at least one database (see at least Abstract, page 1-2 para.0012-0013, page 2 para.0018, ); database is a relational database (see at least page 3 para.0033).
- first informational computer screen display provided on a first computer: for displaying information obtained from the database (see at least Figs. 1,3-6; page

1 para.0008, page 2 para.0013, page 4 para.0070, page 8 para.0092, page 9 para.0098).

- at least two additional computer screen displays: a first additional display and a second additional display (see at least page 1 para.0007-0008, page 8 para.0091, page 10 para.0102-0105).
- computer system is a networked computer system: (see at least Abstract, page 1 para.0007-0008, page 2 para.0016-0017, page 3 para.0031-0032, 0034, 0037, page 3-4 para.0038); first computer is a client computer (see at least page 3 para.0035, page 4 para.0040, page 11 para.0115); server computer comprises the at least one database (see at least page 3 para.0031-33, page 3-4 para.0038).

Raveis teaches all the above as noted and also teaches a) at least two display screens to provide information and resources dealing with every phase of the real estate buying and selling process, b) display screens for viewing current listings of properties, c) providing sales price comparisons between real property under consideration and other properties sold within a given time period and/or neighborhood or vicinity, d) providing market analysis evaluating data from historical sales, e) web pages that provide access to closing documents, moving schedules, and other real estate transactions (preferably personal and secure pages), and f) web pages that provide checklists linking to other web pages. Raveis does not, however, explicitly disclose associating with a first street a sequence of commands that when executed

provide a first of at least two additional computer screen displays to display information about closed realty deals facilitated by the computer system and on the first street, and associating with a first real property a sequence of commands that when executed provide a second of at least two additional computer screen displays to display information about closed realty deals facilitated by the computer system and relating to the first real property.

First American discloses a) options for customizable searching of properties by comparable sales, b) mapping capabilities, c) targeted searches of specific properties, and teaches associating with a first street a sequence of commands that when executed provide a first of at least two additional computer screen displays to display information about closed realty deals facilitated by the computer system and on the first street, and associating with a first real property a sequence of commands that when executed provide a second of at least two additional computer screen displays to display information about closed realty deals facilitated by the computer system and relating to the first real property (see at least abstract, p.1. para.2, p.2 paras.2-3). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to clearly include within the method of Raveis the associating with a first street a sequence of commands that when executed provide a first of at least two additional computer screen displays to display information about closed realty deals facilitated by the computer system and on the first street, and associating with a first real property a sequence of commands that when executed provide a second of at least two additional computer screen displays to display information about closed realty deals facilitated by



the computer system and relating to the first real property, as taught by First American, in order to allow users to more easily access the information necessary in realizing the benefits of the method and thus increasing the use of the method in commerce.

*Pertaining to system claims 6-9*

Rejection of system claims 6-9 is based on the same rationale as noted above.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert M. Pond can be reached on 571.272.6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Levine  
Patent Examiner  
June 12, 2006

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ACTING SPE 3625